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CITY COUNCIL, CITY OF LODI  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 20, 1992  
7:30 P.M.

ROLL CALL

Present: Council Members - Hinchman, Pennino,  
Sieglock, Snider (Arrived 7:52 p.m.), and  
Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City  
Manager Glenn, Community Development  
Director Schroeder, Public Works Director  
Ronsko, City Attorney McNatt, and City Clerk  
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INVOCATION

The invocation was given by Pastor Con Edwards, Ebenezer  
Congregational Church.

PLEDGE OF  
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

PRESENTATIONS

There were no presentations, awards, or proclamations  
presented at this Council Meeting.

CONSENT CALENDAR

In accordance with report and recommendation of the City  
Manager, Council, on motion of Mayor Pro Tempore  
Pennino, Hinchman second, approved the following items  
hereinafter set forth with the following exceptions:

a) The following items were removed from the  
agenda:

I. Agenda Item #E-11 entitled, "Acceptance  
of improvements under White Slough  
Water Pollution Control Facility  
Expansion Contract"; and

II. Agenda Item #E-13 entitled, "Agreement  
with Central California Traction  
Company (CCTC) for construction of  
underground public utilities beneath  
the CCTC trackage in the proposed  
Thurman Street alignment".

b) The following items were removed from the  
Consent Calendar and discussed and acted  
upon under the Regular Calendar:

I. Agenda item #E-4 entitled, "Plans and  
specifications and advertisement for  
bids for Well 24 chain link fence, 640  
North Stockton Street (north of Grape  
Bowl stadium)";

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II. Agenda item #E-9 entitled, "Contract award for Wood Pole Testing"; and

III. Agenda item #E-10 entitled, "Purchase of Sewer TV Equipment and Van for Water/Wastewater Division".

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CLAIMS CC-21(a) Claims were approved in the amount of \$1,335,192.32.

MINUTES No minutes were presented for approval.

#### UTILITY BILLING AND COLLECTION SYSTEM

CC-6 The City Council 1) authorized the Finance Department to  
CC-51(a) conduct a one-year test and evaluation of a new billing format for utility bills which will be mailed to City customers with a return envelope, 2) authorized Public Works to purchase and install a curb-side utility bill drop box at City Hall, and 3) approved and appropriated funds for the purchase or lease of the following equipment, services and supplies:

- ° Two (2) ANZAC Lazar Jet Printers at a cost not to exceed \$16,500 plus an annual maintenance charge of \$2,500;
- ° One (1) Pitney Bowes folder/insertor at a cost not to exceed \$9,500 plus an annual maintenance charge of \$1,250 per year.
- ° Three (3) INTERMEC wands at a cost not to exceed \$600;
- ° Design services and purchase of forms and envelopes at an annual cost of \$18,000 per year;
- ° Purchase of mailing services for utility bills at a cost of \$9,600 per year; and
- ° Purchase and installation of a curb-side utility bill drop box at a cost not to exceed \$1,500.

The City Council was reminded that at the shirtsleeve meeting on May 5, 1992, the staff presented the City Council with a review of possible changes to the City's utility bill and collection system intended to improve the City utility billing system by providing better information to customers. These changes include: 1) the design of a new bill which presents not only service costs by consumption history for the current period and for the same period in the prior year; 2) mailing the bill with a return

envelope; and 3) providing a curb-side drop box to assist handicapped and non-handicapped customers when paying their bills at City Hall.

These changes were recommended to Council based on requests by members of the City Council, City staff, and City customers; and are, in part, in response to recent legislation which requires the City to provide utility customers with consumption history. In addition, the curb-side drop box will assist handicapped customers as well as non-handicapped customers in paying their utility bills.

#### COST AND SAVINGS

At the shirtsleeve meeting on May 5, 1992, staff discussed the cost involved in making these changes, which is estimated to be an additional \$34,000 per year plus one-time startup costs of \$28,000. The increase in operating costs of \$34,000 is attributed to the increase in postage (\$16,000 per year), the increase in cost for bills and envelopes (\$8,400 per year), and the cost of a mailing service (\$9,600 per year).

Staff anticipates that these costs will be offset by the savings gained by consolidating other City mail with the utility bill (estimated savings of \$25,000 to \$29,000 per year) and the added investment earnings achieved by the decrease in time needed to process paid bills in the Finance Department (estimated savings of \$6,700 per year) and improved efficiency savings of \$10,000 per year.

To obtain the lowest postage rates possible, staff has met with the Post Office on several occasions to obtain their advice and assistance. At their recommendation, staff will add information to the customer address and bill which allows the City to obtain bulk rates. In addition, staff believes that using bar code and scanning wands will improve staff efficiency by significantly decreasing the time to process bills.

#### TEST AND EVALUATION

To limit the potential for failure and to ensure that the change from the current bill to the new bill is made successfully, the Finance Director requests that he be given the necessary latitude to make purchasing decisions in the selection and award of contracts to vendors and suppliers of equipment, supplies and services based on price, reputation, assistance given to the City and experience. During the development of new forms and procedures, staff must experiment and test with the forms, equipment and procedures to be used to determine which is workable. Accordingly, it is necessary to make purchasing decisions as development occurs. In some instances, it may

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be in the City's best interest to lease equipment for three to six months to determine if the equipment performs up to expectation or whether alternative equipment or services should be used.

#### SHIRTSLEEVE MEETING

Based on comments and suggestions by Council at the shirtsleeve meeting on May 5, 1992, staff has redesigned the utility bill for one horizontal tear of that portion of the bill to be returned with payment.

#### FUNDING

This project will be funded by a one-time appropriation of Fund Balance from the General Fund of \$34,000 and Fund Balance of the Capital Outlay Reserve of \$28,000.

ITEM REMOVED FROM CONSENT CALENDAR  
AND DISCUSSED AND ACTED UPON UNDER THE  
REGULAR CALENDAR

Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Well 24 chain link fence, 640 North Stockton Street (north of Grape Bowl Stadium)" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

#### PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR CIVIC CENTER PARKING LOT EXPANSION

CC-12.1(a) The City Council approved the plans and specifications for the Civic Center Parking Lot Expansion, 13 North Church Street, Lodi and authorized advertising for bids.

The City Council was advised that this project is the construction of a 14-space parking lot adjacent to the Civic Center. The parking lot will be used by City employees.

The City recently purchased the property at 13 North Church Street. The existing structure is being removed. The City will construct and maintain the parking lot and retain ownership. The project is in the current budget with a total appropriation of \$141,150, including acquisition costs. This portion of the project is estimated at \$30,000.

#### SPECIFICATIONS APPROVED FOR ROCK AND SAND MATERIAL FOR FISCAL YEAR 1992-93

CC-12.1(c) The City Council approved the specifications for rock and sand material for fiscal year 1992-93 and authorized advertisement for bids to be received Wednesday, June 3, 1992.

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The City Council was advised that the City advertises for rock and sand material on an annual basis. This bid will cover rock and sand material needed during the fiscal year July 1, 1992 through June 30, 1993.

A recap of the quantities is shown below:

<u>Rock and Sand Material</u>	<u>Quantities</u>
Item No. 1	100 tons 3/4" class II aggregate
Item No. 2	300 tons concrete sand
Item No. 3	350 tons 5/16" x 8" crushed rock

SPECIFICATIONS APPROVED FOR ASPHALT  
MATERIALS FOR FISCAL YEAR 1992-93

CC-12.1(c) The City Council approved the specifications for asphalt materials for fiscal year 1992-93 and authorized advertisement for bids to be received Wednesday, June 3, 1992.

The City Council was advised that the City of Lodi advertises for asphalt materials on an annual basis. This bid will cover asphalt materials needed during the fiscal year July 1, 1992 through June 30, 1993. A recap of the quantities is shown below:

<u>Asphalt Materials</u>	<u>Quantities</u>
3/8" Asphalt Concrete	3,100 tons
1/2 " Asphalt Concrete	200 tons

SPECIFICATIONS APPROVED FOR PURCHASE OF  
A 1,500 GALLON PER MINUTE ENGINE FOR  
THE FIRE DEPARTMENT

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for the purchase of a Fire Apparatus (1,500 gallon per minute engine for the Fire Department).

The City Council was advised that \$40,000 was approved in the 1991-92 budget to acquire bids for the lease/purchase of a new Fire Apparatus with the stipulation that said funds would not be disbursed until the 1992-93 budget year. This bid proposal is now timely as delivery times are approximately 8 to 12 months which would make the first payment due in the 3rd quarter of the 1992-93 budget year. A Fire Apparatus committee was formed from line and management personnel to assemble the specifications for this apparatus. We have prepared a specification we believe will come in under the total authorized budget of \$200,000.00 and still be a quality Fire Apparatus that will meet our needs.

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ITEM REMOVED FROM CONSENT CALENDAR  
AND DISCUSSED AND ACTED UPON UNDER THE  
REGULAR CALENDAR

Agenda item #E-9 entitled, "Contract award for Wood Pole Testing" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

ITEM REMOVED FROM CONSENT CALENDAR  
AND DISCUSSED AND ACTED UPON UNDER THE  
REGULAR CALENDAR

Agenda item #E-10 entitled, "Purchase of Sewer TV Equipment and Van for Water/Wastewater Division" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

ITEM REMOVED FROM THE AGENDA

Agenda item #E-11 entitled, "Acceptance of improvements under White Slough Water Pollution Control Facility Expansion contract" was removed from the agenda.

ACCEPTANCE OF IMPROVEMENTS UNDER BLAKELY  
PARK RESTROOM REMODEL, 1050 SOUTH STOCKTON  
STREET, CONTRACT

RESOLUTION NO. 92-91

CC-90                   The City Council adopted Resolution No. 92-91 accepting the  
CC-300                   improvements under the "Blakely Park Restroom Remodel, 1050  
                          South Stockton Street" contract, and directed the Public  
                          Works Director to file a Notice of Completion with the  
                          County Recorder's office.

The contract was awarded to McDonald-Glenn Company of Manteca on October 16, 1991, in the amount of \$45,214.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was March 2, 1992, and the actual completion date was March 20, 1992. The final contract price was \$47,121.00. The difference between the contract amount and the final contract price is mainly due to changes in the roof to improve its appearance and ventilation and revisions to the toilet partitions to make them more vandal-proof.

AGENDA ITEM REMOVED FROM THE AGENDA

Agenda item #E-13 entitled, "Agreement with Central California Traction Company (CCTC) For Construction of Underground public utilities beneath the CCTC trackage in

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the proposed Thurman Street alignment" was removed from the agenda.

#### RENEWAL OF LANDSCAPE MAINTENANCE CONTRACT

CC-90                   The City Council approved renewal of the Landscape Maintenance Contract and authorized the City Manager and City Clerk to execute the renewal of the contract for the 1992-93 fiscal year to Ireland Landscape Company, Inc. of Stockton.

The City Council was advised that Ireland Landscape Company, Inc. has maintained 44 landscaped areas within the City and White Slough during the 1991-92 fiscal year and have provided satisfactory service. In their letter dated February 11, 1992, they have agreed to maintain the existing areas at no increase in rate for an additional 12 months, July 1, 1992 through June 30, 1993. The contract cost for 1992-93 is \$42,293.28.

We are also requesting that by mutual consent, the City and the contractor may enter into an agreement for an annual extension of the contract, with the approval of the City Council.

Funds to finance the contract were included by various departments in the 1992-93 operating budget.

#### MIDWAY-SUNSET THIRD-PHASE AGREEMENT

##### RESOLUTION NO. 92-93

CC-7(f)               Following an inquiry by Mayor Pro Tempore Pennino, the City  
CC-51(a)              Attorney determined that he did not have a conflict of  
CC-90                 interest and therefore could participate in discussing and  
CC-300                voting on the matter.

The City Council adopted Resolution No. 92-93 approving the Midway-Sunset Third Phase Agreement and authorizing the City Manager and City Clerk to execute the Agreement.

The City Council was informed that Midway-Sunset Cogeneration Company (MSCC), a cogenerator, proposes to sell 30 MW Off-Peak energy to Northern California Power Agency (NCPA) at Midway Substation. This sale would consist of approximately 165,000 mWh per year of off-peak energy from an existing enhanced oil recovery facility near Bakersfield. Energy would be purchased at a fixed heat rate of 8,100 Btu/kWh and at the cost of gas, based upon the Monthly Contract Index for natural gas at the California border published monthly in "Gas Daily." Consequently, the cost of energy would fluctuate monthly with the cost of gas. If the agreement was in effect today, the current estimated cost of power would be 20 mills/kWh.

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MSCC's facility has a nameplate rating of 230 MW. The plant has been operating since 1989 at an average availability factor of 97.53 percent. Currently MSCC sells 200 MW around the clock to Southern California Edison Company, and sells 30 MW on-peak to PG&E.

This offer compares very favorably to the existing Non-Peak Firm Energy Purchase Agreement NCPA has currently in effect with PG&E. The agreement with PG&E is significantly more expensive (approximately 39 mills/kWh versus 20-23 mills/kWh). This differential is expected to continue since PG&E's price is driven by the gas market as well. Lodi will not obtain sufficient energy pursuant to the agreement to meet all of its energy requirements, however, the energy received will be at a cost savings.

Lodi participation percentage in this project is 31.389%. The estimated savings from the proposed agreement for Lodi would be approximately \$300,000 per year based on estimates of the average annual cost of off-peak economy energy available to NCPA.

Termination would not occur before 1995; after that, the contract would be evergreen with notice.

BOOSTERS OF BOYS/GIRLS SPORTS CONCESSION  
AGREEMENT FOR ZUPO FIELD APPROVED

CC-90

The City Council adopted Resolution No. 92-94 approving the agreement between the Boosters of Boys/Girls Sports Organization and the City of Lodi to operate the concession facilities at Zupo Field.

The City Council was informed that the BOBS assumed the concession responsibilities at Zupo Field when the City no longer maintained a working relationship with a professional baseball team. By the BOBS operating the concession stand, it allows us to provide food and beverage for the high school, Legion, and Guild games played at that facility. The BOBS currently serve our youth programs at Kofu Park and Salas Park. We feel it is an excellent public relations arrangement that benefits both the City and the BOBS organization.

CONTRACT BETWEEN CITY OF LODI AND  
PAULA J. FERNANDEZ APPROVED

RESOLUTION NO. 92-95

CC-34

CC-90

CC-300

The City Council adopted Resolution No. 92-95 approving the contract between the City of Lodi and Paula J. Fernandez granting promotion and title change to Associate Traffic Engineer.



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The City Council was advised that on April 17, 1992, Paula J. Fernandez, contract employee, Assistant Civil Engineer, was issued a Professional Engineer License as a Traffic Engineer, by the California Board of Registration for Professional Engineers and Land Surveyors. This license grants the licensee similar professional and legal privileges and responsibilities as those granted with professional registration as a Civil Engineer. An employee registered as a Civil Engineer qualifies for the classification as Associate Civil Engineer. The attainment of the Traffic Engineer License qualifies the employee for the associate engineer level of the class series. Because the Professional Engineers Act prohibits the use of the word "civil" in a title by an individual not licensed as a Civil Engineer, it was recommended she be classified as an Associate Traffic Engineer.

DISABILITY DISCRIMINATION POLICY  
AND PROCEDURE

RESOLUTION NO. 92-96

CC-6                   The City Council adopted Resolution No. 92-96 approving the  
CC-34                   Disability Discrimination policy and procedure in  
CC-118                  accordance with the provisions of the Americans with  
CC-300                  Disabilities Act of 1990.

The Americans with Disabilities Act of 1990 (ADA) passed by the United States Congress, effective January 26, 1992, prohibits all employers with 25 or more employees from discrimination against individuals with disabilities in the conduct of business, provision of services, and from employment. This policy demonstrates the City of Lodi's commitment to non-discriminatory practices on the basis of disability in the provision of its services to the community and its employees, and establishes a procedure ensuring the City's compliance with law and the resolution of complaints of alleged discriminatory acts as required by the ADA.

"NO PARKING" ZONE 325 EAST  
KETTLEMAN LANE

RESOLUTION NO. 92-97

CC-48(e)               The City Council adopted Resolution No. 92-97 approving  
CC-300                  the installation of a "no-parking" zone on the north side  
                        of Kettleman Lane adjacent to the driveway at Midas Muffler  
                        & Brake Shop.

The City Council was advised that the Public Works Department has received a request from the owner of the Midas Muffler Shop for the installation of a "no-parking" zone adjacent to the driveway at his business. Trucks parking adjacent to this driveway make it difficult for

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drivers to see approaching vehicles while exiting onto Kettleman Lane.

Engineering staff has observed trucks parking at this location. These trucks make it difficult for drivers to see westbound vehicles on Kettleman Lane from the Midas driveway. Many of the drivers of these trucks appear to be customers of a business in the area which deals in the sales and service of electronic equipment such as radios and CB's.

Available "accident records from 1988 to the present indicate that there have been no accidents at this location, although several "near misses" were reported by Midas employees.

In order to provide adequate sight distance for drivers exiting this driveway, staff recommended that Council approve the installation of 65 feet of "no parking" east of the driveway and 46 feet west of the driveway. The section of "no parking" zone east of the driveway extends into the adjacent property; however, this property is under the same ownership as the Midas property. The property owner has indicated that his tenant does not object to the "no parking" zone.

Caltrans approval is required for this "no-parking" zone after City Council approval.

NEW SPEED LIMITS APPROVED ON LOCKEFORD  
STREET FROM 150 FEET EAST OF STOCKTON  
STREET TO CHEROKEE LANE

RESOLUTION NO. 92-98

CC-45(a) The City Council adopted Resolution No. 92-98 amending  
CC-48(a) Traffic Resolution #87-163 to approve the proposed speed  
limit changes on Lockeford Street from 150 feet east of  
Stockton Street to Cherokee Lane, a distance of 2,180 feet,  
from 30 mph to 35 mph.

The City Council was advised that due to the unusually high number of speeding citations issued and the nature of the street, the Municipal Court requested Public Works to restudy a portion of Lockeford Street. Public Works recently updated the engineering and traffic studies for this area. These studies were performed following the State of California Department of Transportation (Caltrans) guidelines in accordance with California Vehicle Code Section 40802. The engineering and traffic study included measurement of prevailing speeds by a radar survey, review of unexpected conditions to the driver, and accident data. Staff recommended increasing the existing 30 mph speed limit to 35 mph from 150 feet east of Stockton Street to

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Cherokee Lane. The 85th percentile speed of the radar speed studies supports this recommendation.

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COMMENTS BY CITY

COUNCIL MEMBERS The following comments were received under the "Comments by City Council Members" segment of the agenda:

LODI UNIFIED SCHOOL DISTRICT STUDENTS  
RECOGNIZED FOR ARTISTIC ACHIEVEMENTS

Mayor Pinkerton stated that he had just attended the San Joaquin County Arts Council Awards Banquet and applauded the three Lodi Unified School District students who had received awards.

LODI CRIME PREVENTION FAIR APPLAUDED

Mayor Pinkerton complimented the Lodi Police Department on its 6th Annual Crime Prevention Fair which was held on May 17, 1992.

KETTLEMAN LANE IMPROVEMENT PROJECT UPDATE

CC-45(a) Following an inquiry by Council Member Hinchman, staff gave a brief update on the upcoming Kettleman Lane Improvement Project.

COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

DENISE KENNEY TRUST FUND BENEFIT  
EVENTS ANNOUNCED

Dennis Norton, 110 South Crescent, Lodi announced two events being held to benefit the Denise Kenney Trust Fund. Ms. Kenney is in need of a bone marrow transplant.

LODI EAGLES LODGE REPRESENTATIVE  
ADDRESSES CITY COUNCIL

Les Kolb, 303 Acacia Street, Lodi representing the Lodi Eagles Lodge thanked the City Council for its support of the May 3, 1992 Lodi Street Faire and the Lodge's Police Officers' Recognition Night. Mr. Kolb announced that the Lodge is proceeding with plans to establish a Mayor's Scholarship Award.

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#### CITIZEN VOICES COMPLAINTS

Nguyen To Can, P. O. Box 9077, Stockton addressed the City Council regarding being stranded in Lodi and a number of other items.

#### COUNCIL MEMBER SNIDER ARRIVES AT MEETING

Council Member Snider arrived at the City Council meeting at 7:52 p.m. The City Council had been advised at the start of the meeting that because of a family commitment, Council Member Snider would arrive late.

#### PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing regarding weed abatement proceedings involving various parcels within the City of Lodi to allow property owners having objections to the proposed removal of weeds to be heard and given due consideration.

#### WEED ABATEMENT PROCEEDINGS

#### RESOLUTION NO. 92-99

CC-24(b)  
CC-300

City Clerk Reimche and Fire Administrative Officer Robert Gorbet introduced the matter advising that at the City Council meeting of April 15, 1992 the Lodi City Council adopted Resolution No. 92-59 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings - Various Parcels, Lodi, California. Pursuant to State of California Government Code Section 29500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt, was published, mailed under Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City Attorney and the Fire Inspector. The purpose of this public hearing is for all property owners having any objections to the proposed abatement to be heard and given due consideration.

The Fire Department advised that since the adoption of Resolution No. 92-59 numerous property owners have abated the weeds on their property. A list of parcels that are not in compliance following an inspection by the Fire Marshal were presented for the City Council's review.

There being no persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Council Member Sieglock, Hinchman second, the City Council adopted Resolution No. 92-99 overruling objections and proceeding with abatement.

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PLANNING COMMISSION City Manager Peterson presented the following Planning  
REPORT Commission Report of the Planning Commission Meeting of  
May 11, 1992.

CC-35 The Planning Commission -

ITEMS OF INTEREST

- a. Conditionally approved the Tentative Subdivision Map of Colvin Ranch, a 12 acre, 60-lot single-family residential project located at 3860 Almond Drive (i.e. southeast corner of Almond Drive and South Stockton Street) in an area zoned R-2, Single-Family Residential as requested by Ronald B. Thomas.

Since the Tentative Map encompasses the entire parcel, it also serves as the Development Plan as required by the Growth Management System.

- b. Conditionally approved the Tentative Subdivision Map of Century Meadows I, Unit 1, an 11.3 acre, 48-lot single-family residential project located at 2081 East Harney Lane (i.e. south of Century Boulevard, west of the W.I.D. canal) in an area zoned R-2, Single-Family Residential as requested by Camray Development and Construction Co. Inc.

The Planning Commission also approved the Development Plan of Century Meadows I which includes the above project and two later stages. Development Plan approval is required by the Growth Management System.

- c. Conditionally approved the Tentative Subdivision Map of Bangs Ranch, a 24.5 acre, 105 lot single-family project located at 14114 North Stockton Street (i.e. east side of Stockton Street, north and south of Century Boulevard) in an area zoned R-2, Single-Family Residential and P-D(28), Planned Development District No. 28 as requested by J. Jeffrey Kirst.

Since the Tentative Map encompasses the entire parcel, it also serves as the Development Plan as required by the Growth Management System.

- d. Conditionally approved the Tentative Subdivision Map of Johnson Ranch II, Unit No. 1, a 129-lot single-family project located at 13977 North Cherokee Lane in an area zoned R-2, Single-Family Residential as requested by Russ Munson.

The Planning Commission also approved the Development Plan of Johnson Ranch II which includes the above project and a later stage containing 44 units. Development Plan approval is required by the Growth Management System.

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- e. Continued the request of Baumbach and Piazza Inc. on behalf of James Anagnos, et al for approval of a Tentative Parcel Map to create two parcels from one at 801 East State Route 12 in an area zoned C-S, Commercial Shopping until 7:30 p.m., Tuesday, May 26, 1992 at a Special Session.
- f. Continued the request of Baumbach and Piazza Inc. on behalf of Bruce Towne to create four parcels from two parcels at 398 East Turner Road in an area zoned R-2, Single-Family Residential until 7:30 p.m., Tuesday, May 26, 1992 at a Special Session.
- g. Called a Special Session for 7:30 p.m., Tuesday, May 26, 1992 and set the following items for Public Hearing at that session:
  - 1. Request of Steven Pechin, Baumbach & Piazza Inc. Consulting Engineers on behalf of R.L. Lee Development Co. for approval of the Tentative Subdivision Map of CENTURY MEADOWS III, Unit No. 1, a 14.1 acre, 73 lot single-family residential subdivision to be located at 1601 East Harney Lane in an area zoned R-2, Single-Family Residential.
  - 2. Request of Steven Pechin, Baumbach & Piazza Inc. Consulting Engineers on behalf of Robert Batch for approval of the Tentative Subdivision Map of LODI WEST, Unit No. 1, a 19.73 acre, 80 lot single-family residential subdivision to be located at 16891 North Lower Sacramento Road in an area zoned R-1, Single-Family Residential.
  - 3. Request of Terry Piazza, Baumbach & Piazza Inc. Consulting Engineers on behalf of Bruce Towne for approval of the Tentative Subdivision Map of TOWNE RANCH, Unit No. 1, a 21.4 acre, 107 unit single-family residential subdivision to be located at 398 East Turner Road in an area zoned R-2, Single-Family Residential.
  - 4. Request of Steven Pechin, Baumbach & Piazza Inc. Consulting Engineers on behalf of Delmar Batch for approval of the Tentative Subdivision Map of CENTURY MEADOWS II, Unit No. 1, a 15.1 acre, 76 lot single-family residential subdivision to be located at 1767 East Harney Lane in an area zoned R-2, Single-Family Residential.
  - 5. Request of Steven Pechin, Baumbach & Piazza Inc. Consulting Engineers on behalf of Delmar Batch for approval of the Tentative

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Subdivision Map of CENTURY MEADOWS IV, Unit No. 1, an 18.86 acre, 87 lot single-family residential subdivision to be located at 14100 North Lower Sacramento Road in an area zoned R-2, Single-Family Residential.

COMMUNICATIONS  
(CITY CLERK)

CLAIMS CC-4(c) On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council denied the following claims and referred them back to Insurance Consulting Associates, Inc. (ICA), the City's Contract Administrator:

a) Jantell L. Maiwald, Date of loss 4/14/92;  
and

b) Joseph Ventura, Date of loss 3/23/92.

PUC APPLICATIONS City Clerk Reimche advised the City Council that Pacific Gas and Electric Company (PG&E) has filed Application No. CC-7(f) 92-05-003 with the California Public Utilities Commission (CPUC) in which it requests authority to increase electric and gas rates.

City Clerk Reimche advised the City Council that the Sacramento Airport Connection has filed an application before the Public Utilities Commission of the State of California for authority to operate a passenger state corporation between points in San Joaquin and Sacramento Counties and the Sacramento Metro Airport.

APPEAL REGARDING NOTICE OF PUBLIC NUISANCE  
AND ORDER TO ABATE PROPERTY LOCATED AT  
4 WEST SIERRA VISTA PLACE, LODI SET FOR  
PUBLIC HEARING

CC-24(c) On motion of Council Member Hinchman, Sieglock second, the  
CC-53(b) City Council set for public hearing on June 17, 1992 the appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 West Sierra Vista Place, Lodi issued by James H. Siemers, Code Enforcement Officer, on April 2, 1992.

HUD'S HOME ENTITLEMENT PROGRAM FUNDING  
ANNOUNCED

CC-57 The City Clerk presented a letter from Rene' Jackson, Deputy Director of the San Joaquin County Community Development Department, advising that San Joaquin County has received confirmation of HUD's acceptance of its Comprehensive Housing Affordability Strategy and advising that the County's 1992-93 HOME entitlement will be \$1,181,000. Community Development Director Schroeder addressed the City Council regarding the matter and

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responded to questions as were posed by members of the City Council.

STATE OF CALIFORNIA DEPARTMENT OF  
FINANCE POPULATION AND HOUSING ESTIMATES  
FOR THE CITY OF LODI AS OF JANUARY 1, 1992  
PRESENTED

CC-36                   The City Council received information from the State of California Department of Finance on Lodi's population and housing estimates as of January 1, 1992 which indicates Lodi's population to be 53,186 and total housing units at 19,963.

REGULAR CALENDAR

STAFF REPORT REGARDING PROPOSED NEW  
CITIES IN SAN JOAQUIN COUNTY

CC-6                   City Manager Peterson reminded the City Council that at the  
CC-7(b)               regular meeting of May 6, 1992 the City Council heard a  
CC-46                   presentation by residents in the Clements/Lockeford area in  
                      opposition to the proposed new towns in San Joaquin County,  
                      specifically the Liberty Hills project. Staff was  
                      directed to review this matter and report to the City  
                      Council at this meeting. The Board of Supervisors will  
                      hear this proposal at a public hearing scheduled for  
                      Wednesday, June 24, 1992. The County Planning Commission  
                      will hold a public hearing Thursday, May 28, 1992 prior to  
                      taking final actions on the County's Comprehensive Planning  
                      Program.

The City Manager and the Community Development Director met with the County planning staff May 14, 1992 in an effort to gather as much information as possible prior to this City Council meeting.

Details regarding the matter were presented by the City Manager and the Community Development Director.

Addressing the City Council regarding the matter was Janet Pruss, 2421 Diablo Court, Lodi.

Following discussion with questions being directed to staff, the City Council, on motion of Council Member Snider, Hinchman second, indicated its disapproval of both the Liberty Hills and Forest Oaks projects.

SELECTION OF CONSULTANT TO PREPARE A  
PARKS AND RECREATION COMPREHENSIVE MASTER  
PLAN AND APPOINTMENT OF A CITIZENS' REVIEW  
MASTER PLAN COMMITTEE APPROVED

CC-6                   The City Council was advised that as part of the General  
CC-27(c)               Plan and Development Impact Mitigation Fee study, the City



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CC-88

established a parks and recreation facility standard (and corresponding impact fee) based on matching existing facilities. The #1 implementation program item under the Parks, Recreation and Open Space element of the General Plan was the preparation of the Master Plan. The location and size of future parks was only roughly indicated on a map contained in the fee study. Other facilities, mainly community recreation buildings, were unspecified. The estimated cost of consulting services for the plan was included in the impact fee program (\$50,000 in 1990 dollars).

#### Selection Process

In 1991, after the adoption of the General Plan, the Parks and Recreation Department started on the plan. Recognizing that this significant effort would require outside help, the department contacted consultants and other cities that recently had Master Plans prepared. We received examples of "Requests for Proposals" (RFP), Master Plans and general comments on the process. Over thirty letters were sent to consultants asking for comments and interest. Based on that input, an RFP was developed which was mailed to nine firms. A copy of the RFP was provided to the City Council at its March 18 meeting. The RFP included a requirement for attendance at a pre-proposal meeting in December which seven firms attended. Proposals were received from five firms on January 17, 1992. The proposals were reviewed by a committee consisting of two members of the Parks and Recreation Commission, the Parks and Recreation Department management staff and two persons from the Public Works and Community Development departments' staff. Based on qualifications, responsiveness of the proposal and background checks with other cities, three firms were selected to make an oral presentation to the committee.

Oral presentations were made on February 14. The committee interviewed the firms of:

~ Callander Associates from San Mateo and their three subconsultants - The Sports Management Group (recreation program); Moore, Iacofano, Goltsman (community survey, input and workshops); and Kreines & Kreines (general plan, zoning and environmental analysis).

JC Draggoo & Associates from Portland

~ Royston Hanamoto Alley & Abey from Mill Valley and their subconsultants - Moore, Iacofano, Goltsman (community input and workshops) and Walp & Moore (community survey and recreation program).

The committee recommended the firm of Callander Associates and a project budget of \$118,000 to the City Council at its March 18 meeting. The budget amount included costs of the consultant contract, mailing and public notification, some workshop and training options offered by the consultant, and contingencies. The Council expressed concern of the cost of the study and referred the matter back to staff. The committee met again with the firms of Callander Associates and JC Draggoo & Associates. The committee reviewed the City's concerns over both the cost and quality of the study. Callander Associates was able to reduce the cost of the study by eliminating some of the options and reducing the number of consultants involved in the public input workshops. JC Draggoo & Associates, whose initial proposal was substantially lower in cost, was able to address the City's concerns over the public survey techniques and the details of the work to be done by their firm. They plan to retain a firm specializing in public opinion surveys to assist in the project. They selected the firm of Walp & Moore who can provide a high quality telephone survey with bilingual (Spanish) capability. The committee was comfortable with JC Draggoo's proposal and recommended to the City Council that they be retained for this project.

#### Cost

The recommended appropriation for this plan includes the following:

Consultant's services	\$56,600
Reports and graphics	included
Public notices (mailing, advertisements)	2,000
Contingencies	<u>7,400</u>
Total	\$66,000

The contingencies amount will allow for additional copies of reports or public meetings, if needed. It would also allow for changes in the public survey based on input from the review committee.

#### Master Plan Review Committee

All of the consultants strongly recommended that the City establish a formal review committee to work with the consultant. This committee would meet several times during the course of the study to review intermediate reports and guide future work. For example, a decision regarding the format of public input workshops is needed. Should they be focused on geographic subareas of the City or on specific topics such as youth and adult activities? (The basic budget provides for three such workshops and additional ones could be funded out of the contingencies.) Staff and the consultant recommend that the committee consist of:

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- ~ a City Council representative;
- ~ a Planning Commission representative;
- ~ one or two members of the Parks and Recreation Commission;
- ~ a Booster of Boys and Girls Sports Organization representative;
- ~ an Adult Sports Advisory Board representative;
- ~ a representative from the Senior Citizen Commission;
- ~ a Nature Area Advisory Committee representative;
- ~ an Arts Commission representative;
- ~ a Lodi Unified School District representative; and
- ~ two to four "at large" members.

There should also be a staff committee to review the consultant's work and work with the review committee. City Parks and Recreation, Community Center, Community Development, Finance, Administration and Public Works staff should be included. The overall project will be coordinated by the Parks and Recreation Director.

On motion of Council Member Snider, Pennino second, the City Council authorized the City Manager to execute an agreement with the firm of JC Draggoo & Associates for the preparation of the Parks, Recreation and Open Space Master Plan, authorized the Mayor to appoint a Master Plan Review Committee, and appropriated \$66,000 for the study.

G-BASIN (DEBENEDETTI PARK) REQUEST  
FOR PROPOSAL FOR GOLF CENTER COMPLEX  
REVIEWED

CC-27(c)

Parks and Recreation Director Williamson advised the City Council that over two years ago, staff started work on a Request for Proposal at G-Basin (DeBenedetti Park) in coordination with William Sherman Co./Golf Realty Corporation, as consultants for a golf center complex. The draft of the RFP was completed, and shortly thereafter, it was put on the shelf due to various reasons by Administration.

Approximately seven months ago, the golf complex/youth sports use issue came up again. It was sent back to the Parks and Recreation Commission for reconsideration of the use of the park property. The Commission voted in support of its original idea of a golf center complex. It was brought back to the Council for reevaluation and direction. The Council opted to complete the RFP, put the project out to public bid, and see if there was interest in same. We have completed the document, it has been reviewed by our general golf committee and administrative staff people, in addition to review and approval by the Parks and

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✓  
Continued May 20, 1992

Recreation Commission at their May 5, 1992 meeting (5 - 0 vote).

The basis of the RFP addresses an announcement to prospective developers/operators and information to be publicized in various golf publications. The body of the request gives varied and detailed information on the prospective site, what the improvements must be minimally, plus information and all related descriptions of our expectations. Prospective developers/operators would call or write for copies of the RFP/site plans at which time they would be required to pay \$25.00 if they pick up the information in person, or \$30.00 to have the material mailed. Valid bidders will have dates, time, places, forms to be completed, and monetary commitments (\$10,000.00) to meet to be considered as a serious proposer.

A copy of the Request for Proposal was presented for City Council review.

Following discussion, with questions being directed to staff, the City Council, on motion of Mayor Pinkerton, Hinchman second, directed the City Manager to move forward to put the subject proposal to build a golf center complex at G-Basin (DeBenedetti Park) out to public bid. The motion carried by the following vote:

Ayes: Council Members - Hinchman, Pennino, Sieglock, and Pinkerton (Mayor)

Noes: Council Members - Snider

Absent: Council Members - None

Council Member Snider asked that the record show that he voted no because he doesn't feel this is an appropriate use of the property as he feels there is a real need for another multi-purpose recreational facility within the City.

RECESS

Mayor Pinkerton declared a five-minute recess, and the City Council reconvened at approximately 8:30 p.m. During the recess, a VCR tape recognizing public works employees and "Public Works Week" was shown to the viewing audience.

GRANT APPLICATION TO CALIFORNIA BOATING  
AND WATERWAYS FOR CONSTRUCTION OF BOAT  
RAMP, PARKING LOT, AND RESTROOM AT LODI  
LAKE PARK WEST APPROVED

RESOLUTION NO. 92-90

CC-27(c)  
CC-175  
CC-300

Parks Superintendent Scott Essin advised that City Council that on April 7, 1992 the Parks and Recreation Commission approved by 5-0 vote to recommend to City Council that Council approve by resolution a request for a grant from

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the Department of Boating and Waterways. This grant would allow the City to obtain funds for the construction of a boat ramp parking lot and restroom at the west side of Lodi Lake.

The need for a new boat ramp was addressed by the Department of Boating and Waterways in an inspection of our current boat launching facilities. Placement of the new launch ramp at the west bank of Lodi Lake would allow parking for boat races and other boating events. This would mean we could retain more of the park users during the annual boat races and other events.

Parking is provided for the boats plus an additional 56 stalls. As part of the project, the grant provides for restrooms on the west side of the lake.

A diagram of the subject area and the proposed project was presented for the City Council's review.

Following discussion, with questions being directed to staff, the City Council on motion of Council Member Snider, Pinkerton second certified the filing of the Negative Declaration on the subject project. Further, on motion of Council Member Snider, Sieglock second, the City Council adopted Resolution No. 92-90 requesting a grant in the amount of \$412,000 from the Department of Boating and Waterways for the development of a boat launching facility at Lodi Lake.

RESOLUTION AUTHORIZING PARTICIPATION  
IN THE LOCAL AGENCY'S WORKERS' COMPENSATION  
EXCESS JOINT POWERS AUTHORITY APPROVED

RESOLUTION NO. 92-92

CC-21.1(b)  
CC-21.1(j)  
CC-300

Kirk Evans, Administrative Assistant to the City Manager, addressed the City Council advising that the workers' compensation insurance market has been unstable during the last few years. Lodi has found workers' compensation excess insurance in the private market at competitive rates, but this has not been the case for many public agencies. When a similar problem arose in the municipal general liability insurance market several years ago, the City of Lodi became a member of the California Joint Powers Insurance Authority, a self-insurance "pool" consisting of about 100 cities throughout northern California.

In order to return stability to municipal workers' compensation excess insurance programs it is now proposed that a similar organization be created. The proposed joint powers authority would be called the Local Agencies Workers' Compensation Excess Joint Powers Authority (LAWCX). This proposed Joint Powers Authority for workers' compensation coverage is patterned after a similar

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successful authority developed by school districts in California about four years ago, commonly known as "SOX".

Participation requires an initial three-year commitment. The proposed rate for the City of Lodi is eighteen (\$0.18) per \$100.00 of payroll. This is about 4 cents (\$0.04) less than our present rate on the open market. The self-insured retention of the City also would drop to \$250,000 from the \$300,000 self-insured retention we obtain on the open market. This latter point is quite important because workers' compensation excess insurance companies have maintained rates by raising self-insured retentions. Many cities in California are maintaining self-insured retentions of \$350,000 to \$500,000. In addition, LAWCX provides excess insurance to statutory limits while many insurance companies limit excess coverage to only \$10 million.

Finally, about three cents (\$0.03) of the eighteen (\$0.18) rate would form a "pool". Once fully funded (in 3-5 years), this would no longer be collected. Rates would then fall even more.

It was recommended that City Council authorize participation in LAWCX so long as other agencies with an aggregate total of \$400 million in payroll likewise agree to join and establish LAWCX by June 1, 1992 and that precommitments from other agencies equaling \$100 million in payroll to join by January 1, 1993 are also received by June 1, 1992. This is to meet the needs of agencies that buy insurance on a calendar year basis.

If that threshold number of cities and payroll is not met, then there is an insufficient "pool" of agencies and the Council should authorize staff to place our workers' compensation excess insurance with the open market under the quotes received from insurance brokers, which is our normal process.

The Memorandum of Coverage for LAWCX and the Joint Exercise of Powers Agreement for LAWCX are on file in the City Clerk's office if you are interested in gaining a greater understanding of the details of this organization.

On motion of Council Member Hinchman, Pinkerton second, the City Council adopted Resolution No. 92-92 authorizing participation in the Local Agency's Workers' Compensation Excess Joint Powers Authority.

LODI AVENUE IMPROVEMENTS - CALIFORNIA  
TRACTION COMPANY INVOLVEMENT

CC-7(h) Assistant City Engineer Richard Prima advised the City Council that the City's Street Capital Improvement Program has identified the need for improvements on Lodi Avenue,

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from Main Street to Cherokee Lane, for a number of years. The budget estimate of \$275,000 includes an asphalt concrete overlay with fabric, pavement edge grinding and installation of handicap ramps. Not included, although needed, are drainage improvements at the intersection of Lodi Avenue and Main Street. This will be evaluated and an additional appropriation requested before the project is designed. Staff has also studied the signalized intersections for possible addition of left-turn lanes/phases, which is discussed later in this report.

The major "stumbling block" in the project has been the presence of the Central California Traction Company (CCT) tracks which run the entire length of the project. These tracks have settled in many places and unless they are straightened and raised, the overlay project is not possible.

These tracks were installed in the existing road in the early 1900's under the terms of a county franchise. That franchise was for a 50-year term. Since the city was incorporated, there have been a number of City Council approvals of modifications to the tracks, such as a 1931 ordinance (No. 185) approving a spur between Main and Stockton streets. This ordinance had no term and requires the CCT to maintain the tracks to the City's approval. Other modifications, such as a 1957 agreement regarding some track abandonment, acknowledged the county franchise but made no mention of extending the 50-year 1905 franchise.

The Lodi Avenue tracks provide rail service to the packing houses and cannery located south of Lodi Avenue along Main Street. The cannery is by far the largest user and although rail service is available from Southern Pacific, they prefer CCT due to better rates and quality of service. The CCT also provides the only rail service to Lodi's industrial area east of Highway 99.

City staff and CCT representatives, including their three owners, met in September 1988 to review the condition of the street and discuss the project. The railroad felt the condition of their tracks was not hazardous and were not interested in a joint project. The question of the franchise was discussed and the railroad was to check its records. They have not produced any documents indicating the franchise had been extended.

The project and problems with the tracks were reviewed with the City Council at its shirtsleeve meeting on October 29, 1991. Staff was directed to continue discussions with the CCT. On December 6, 1991, City staff met with California Public Utilities Commission staff and representatives from the CCT and their owners. The railroad agreed work was needed and asked that the City pay for the paving. We indicated that would probably be OK with the Council if the

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work was done in a timely manner in conjunction with the street project as was done on Lockeford Street with the SPRR a few years ago. The railroad agreed to prepare an estimate for rehabilitating the tracks.

On February 18, 1992, the CCT provided the City with their estimate of \$218,000 to replace the ties, ballast and rails from Cherokee Lane to Stockton Street. They would be able to do the work this summer if the City agreed to pay the \$218,000. If not, they need approval from their owners which they have not yet received. The estimate assumed the work would be done along with a City project and no paving or traffic control by the CCT would be needed. It also assumed the tracks west of Stockton Street could be reset to grade without major replacement since the ties in that area are relatively new. The estimate included a fabric under the ballast and wood ties. City staff estimates that for an additional \$10,000, concrete ties, which provide longer life, could be used between Cherokee Lane and Stockton Street. Replacing the track west of Stockton Street could add an additional \$110,000 due to the switch that is located west of Stockton Street.

#### Related Issues

Lodi Avenue/SPRR Underpass - This project is eligible for Measure K funding and, in the preliminary Strategic Plan, has a fairly high ranking. However, lack of project readiness and matching funding will reduce its chances for Measure K funding early in the program. The presence of the CCT tracks complicates the project and adds to the cost.

Future of CCT - The CCT main line, which runs from Stockton to Sacramento, is being considered by Sacramento County and San Joaquin County as a possible future transit rail corridor. This possibility was discussed in the 1991 freight rail consolidation study between Stockton and Sacramento. However, this is a very long-term, "future" project. In the near term, the CCT is not planning any long-term improvements. They have difficulty obtaining funding from their parent companies for any capital improvements.

Future of SPRR Kentucky House Branch - This branch, which runs easterly from the SPRR main line along Lockeford Street, is not active and has been submitted to the Interstate Commerce Commission for abandonment. City and railroad staff discussed using this track in place of the line in Lodi Avenue. The CCT noted two major problems with this:

- 1) The high cost of a new switch at the CCT/SPRR crossing, and



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- 2) The ongoing scheduling and cost problems in sharing the main line SP tracks through downtown Lodi. The SPRR has indicated this line would need substantial upgrading to be placed back into regular service.

#### Options

Unfortunately, the City's options in proceeding with the street project are rather limited if we wish to do the work this year. We would pay the CCT to do the work or seek a court order forcing them to make the repairs by a certain date, say August 1. If they fail to comply, the City would do the work and attempt to obtain repayment through the courts. However, there is no guarantee that going through the courts will result in the street being fixed this year. Staff certainly does not recommend that the City just pay them for the work. Such payment was not required under the terms of the expired franchise and it would be an expensive precedent.

Longer term options include continuing negotiations with CCT to repair the tracks or to relocate to the SPRR Kentucky House Branch. If the Council wishes to pursue the relocation, we should plan on hiring a consultant who specializes in railroad matters to objectively evaluate the necessary improvements, costs and benefits. (Street funds, i.e., Gas Tax, would be used to fund this study.) Another long-term option would be to simply order the removal of the tracks. This would force the railroads to take the City to court to defend their position or to negotiate a relocation.

Unfortunately, this could also mean the demise of CCT as their owners may decide it is cheaper to disband the railroad and provide some of their service through the individual owners, which, in Lodi, would be Southern Pacific Railroad.

#### Recommendations

Staff has no magic solution to the Lodi Avenue problem. Staff recommended that the City Council direct the CCT to repair the tracks from Cherokee Lane to Main Street and offer to participate by providing paving and traffic control in conjunction with the street rehabilitation project in August 1992. The City Attorney should be directed to plan appropriate legal action should the railroad not comply. This will likely mean the project will not occur until 1993.

For the long term, staff recommended:

- 1) That if the Council wishes the relationship with the CCT railroad to continue, then a

new franchise agreement be entered into between the City and the CCT, clearly spelling out the obligations involved.

- 2) That the City send a letter to the railroads and appropriate agencies requesting that the CCT right-of-way and SP Kentucky House Branch right-of-way be preserved for future City and/or State transportation use.
- 3) That the City Council decide on whether or not the City should proceed with preliminary engineering on the Lodi Avenue underpass.

A very lengthy discussion followed with questions regarding the matter being directed to staff. A number of motions were made and withdrawn during the period of discussion.

On motion of Council Member Hinchman, Pennino second, the City Council determined that the City should proceed with preliminary engineering on the Lodi Avenue underpass. The City Council expressed its concern regarding the impacts such a project would have on the industrial community in the area and directed that staff keep property owners and businesses in the subject area fully informed about the matter.

On motion of Council Member Sieglock, Hinchman second, the City Council indicated that it preferred that CCTC relocate to the SPRR Kentucky House Branch and directed the City Attorney to communicate that preference to CCTC. The City Council further directed that a letter be sent to the railroad and appropriate agencies requesting that the CCTC right-of-way on SP Kentucky House Branch right-of-way be preserved for future City and/or State transportation use.

On motion of Council Member Hinchman, Pennino second, the City Council directed the City Attorney to meet with representatives of the Central California Traction Company (CCTC) regarding a new franchise agreement. Further, the City Attorney was asked to relate to CCTC the various legal options open to them, should they decide they do not want to relocate their tracks.

PLANS AND SPECIFICATIONS FOR BIDS FOR  
WELL 24 CHAIN LINK FENCE, 640 NORTH  
STOCKTON STREET (NORTH OF GRAPE BOWL  
STADIUM) APPROVED

CC-12.1(c) Plans and specifications for bids for Well 24 Chain Link Fence, 640 North Stockton Street (North of Grape Bowl Stadium) were presented for City Council approval. This project consists of furnishing and installing 149 lineal feet of 6-foot high chain link fence, gates and concrete

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mow strips for the enclosure of the new municipal water well located at this site.

Staff responded to questioning posed by Mayor Pro Tempore Pennino regarding the matter.

On motion of Mayor Pro Tempore Pennino, Sieglock second, the City Council approved the plans and specifications for the subject project and authorized advertising for bids.

#### CONTRACT AWARD FOR WOOD POLE TESTING

#### RESOLUTION NO. 92-88

CC-12(a) Assistant Electric Utility Director Hans Hansen addressed  
CC-300 the City Council advising that on March 18, 1992, the City Council approved specifications and authorized advertisement for bids for wood pole testing. Bids were opened on April 21, 1992 with the following results:

Arbor Tree Surgery	
Paso Robles, California	\$17,150.00
Osmose Wood Preserving, Inc.	
Gresham, Oregon	<u>\$21,919.50</u>

The specifications asked the bidders to submit "at least three (3) references indicating contact people in other electric utilities for whom the bidder has performed pole testing work within the past two (2) years." The apparent low bidder did not supply any references regarding pole testing.

In order to determine the apparent low bidder's ability to perform this contract, requests were made of the bidder to supply recent experience in wood pole testing as well as the qualifications and experiences of the staff to be utilized on this contract. The response from the bidder in letter dated April 27, 1992 indicated that the bidder has not performed any pole testing work during the last 24 months. The experience of the staff totals one year as a journeyman pole tester with another company.

Based on the limited experience of the apparent low bidder, the fact that references were not submitted with the bid or when subsequently requested and the importance, for safety reasons, of having this type of contract performed by an experienced firm, it was recommended that the bid be awarded to the second low bidder.

Addressing the City Council regarding the matter were representatives of Arbor Tree Surgery, Paso Robles, California.

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Following discussion with questions being directed to staff and the representatives of Arbor Tree Surgery, the City Council, on motion of Council Member Snider, Hinchman second, adopted Resolution No. 92-88 awarding the contract for wood pole testing to the second low bidder Osmose Wood Preserving, Inc., Gresham, Oregon, in the amount of \$21,919.50.

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Sieglock, and Snider

Noes: Council Members - Pennino and Pinkerton (Mayor)

Absent: Council Members - None

PURCHASE OF SEWER TV EQUIPMENT AND  
VAN FOR WATER/WASTEWATER DIVISION

RESOLUTION NO. 92-89

CC-20 The City Council was advised that funds to purchase the  
CC-47 sewer TV equipment and van for the water/wastewater  
CC-300 division were approved in the 1991-92 operating budget and  
specifications were approved by the City Council on March  
18, 1992. Three bids were received and opened on April 1,  
1992.

The low bidder, 3-T Equipment Company, did not meet the specifications. The second lowest bidder, Flexible Video Systems, meets the specifications in full. This purchase does not include the portable radio and installation which will be completed after receiving the TV van and equipment.

The following is a recap of the bids:

3-T Equipment Company, Petaluma, CA	\$102,435.10
Flexible Video Systems, Marina Del Rey, CA	\$121,145.49
CUES, Inc., Orlando, FL	\$138,329.68

Further information regarding the deviations of 3-T specifications to the City of Lodi specification for Sewer TV System and Van was presented for City Council review.

On motion of Council Member Hinchman, Sieglock second, the City Council adopted Resolution No. 92-89 awarding the purchase of the sewer TV equipment and van to Flexible Video Systems of Marina Del Rey, California in the amount of \$121,145.49.

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ORDINANCES

ORDINANCE AMENDING THE LODI MUNICIPAL  
CODE REGARDING CRITERIA FOR DETERMINATION  
OF "LOWEST RESPONSIBLE BIDDER"

ORDINANCE NO. 1549 ADOPTED

CC-6 Ordinance No. 1549 entitled, "An Ordinance of the City  
CC-21(a) Council of the City of Lodi Amending Lodi Municipal Code  
CC-149 Section 3.20.100 (E) Specifying Criteria for Determination  
CC-159 of 'Lowest Responsible Bidder'" having been introduced at a  
regular meeting of the Lodi City Council held May 6, 1992  
was brought up for passage on motion of Mayor Pro Tempore  
Pennino, Snider second. Second reading of the ordinance  
was omitted after reading by title, and the ordinance was  
then adopted and ordered to print by unanimous vote of the  
City Council.

ORDINANCE RELATING TO THE REGULATION  
OF ADULT BUSINESSES

ORDINANCE NO. 1550 ADOPTED

CC-149 Ordinance No. 1550 entitled, "An Ordinance of the City  
Council of the City of Lodi Relating to the Regulation of  
Adult Businesses" having been introduced at a regular  
meeting of the Lodi City Council held May 6, 1992 was  
brought up for passage on motion of Council Member  
Sieglock, Pennino second. Second reading of the ordinance  
was omitted after reading by title, and the ordinance was  
then adopted and ordered to print by unanimous vote of the  
City Council.

ADJOURNMENT

There being no further business to come before the  
City Council, Mayor Pinkerton adjourned the meeting at  
approximately 10:40 p.m.

ATTEST:

*Alice M. Reimche*

Alice M. Reimche  
City Clerk